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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000620

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TAGS: [PGOV](#) [IZ](#)
SUBJECT: (U) IRAQI OFFICIAL ON GOVERNMENT FORMATION,
CONVENING THE COUNCIL OF REPRESENTATIVES

REF: A. BAGHDAD 600
[1](#)B. BAGHDAD 569

Classified By: Political Counselor Robert S.
Ford for Reasons 1.4 (B) and (D)

[1](#)1. (C) SUMMARY: Presidency Council Chief of Staff Kamran Karadaghi told PolOff and Embassy Legal Advisors on February 26 that the government formation process appeared to have been temporarily derailed by the attack on the Samarra mosque and its aftermath. While sounding pessimistic overall, Karadaghi dismissed concerns that Iraq was about to slide into civil war. He reported, however, that both President Talabani and Kurdistan Democratic Party (KDP) leader Masud Barzani were being pressured by the Kurdish public to withdraw permanently into Kurdistan and leave Iraq's messy political and social problems to the Shia and Sunni Arabs. PolOff warned Karadaghi that such attitudes fanned fears that the Kurds were planning to seek independence and that Talabani and Barzani should educate their people on being "Iraqis" vice "Kurds." As for calling the Council of Representatives (COR), Karadaghi reported that the Presidency Council had unanimously decided to postpone calling for the first session. END SUMMARY.

(U) Government Formation Stalled

[1](#)2. (C) Presidency Council Chief of Staff Kamran Karadaghi told PolOff and Embassy Legal Advisors on February 26 that the government formation process appeared to have been sidelined by the attack on the Samarra mosque and its aftermath. While he denied rumors that both President Talabani and Kurdistan Democratic Party (KDP) leader Masud Barzani were about to reject the candidacy of Prime Minister-elect Ibrahim Ja'afari, he did emphasize that the Kurds were very frustrated with Ja'afari's lack of leadership. Barzani, in particular, is frustrated said Karadaghi, and is clearly anxious to go back North. Since Tawafuq withdrew from government formation talks, the Kurds were just in a holding pattern, grumbled Karadaghi.

[1](#)3. (C) Ja'afari, Karadaghi continued, should never have been renominated. According to Karadaghi, Moqtada al-Sadr threatened all his people, warning them that he himself would kill any Sadrists who did not vote for Ja'afari. He was assisted in this by the marja'iyah's statement demanding that the Shia Coalition remain unified. Sadr is vehemently against SCIRI's Adil Abd al-Mahdi, and threatened to

leave the Shia Coalition if Abd al-Mahdi was chosen. This gave the rest of the Shia Coalition no choice but to select Ja'afari, given the marja'iyah's statement. The irony was that despite Sadr's threats, it was Ja'afari's own Dawa Party leaders who refused to vote for him - both Jawad al-Maliki and Ali al-Adeeb handed in blank forms, Karadaghi claimed. (COMMENT: Previously, SCIRI politicians told PolOffs that it was two Shia Coalition Independents who handed in blank forms. END COMMENT.)

(U) Kurds Want Out?

¶4. (C) Karadaghi reported that the Kurdish public is losing patience with the slow pace of government formation negotiations. Both Barzani and Talabani are being pressured by their constituency to return permanently to Kurdistan and take care of matters at home, namely the long-awaited merger of the two Kurdistan Regional Governments (KRGs). Karadaghi explained that the Kurdish people, having observed the political and social upheaval in the rest of Iraq, are more determined than ever to withdraw into their cocoon in the North. PolOff argued that that attitude came too close to independence, and that both Talabani and Barzani needed to explain to their people how to be "Iraqis," vice "Kurds." Karadaghi agreed, but noted that it would be difficult to get the people to take a broader perspective on Iraq issues.

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(U) Calling the COR?

¶5. (C) Embassy Legal Advisors then approached Karadaghi about calling the Council of Representatives (COR) into session. Karadaghi repeated Talabani's and Abd al-Mahdi's position on this (see reflet A). He stated that Talabani had spoken with Sunni Deputy President Sheikh Ghazi al-Yawr, who was still abroad for health reasons. According to Karadaghi, Talabani had asked al-Yawr to return to Baghdad, but al-Yawr declined and gave Talabani the right to vote for him in all Presidency Council decisions. This proxy vote essentially allows Talabani to say that the Presidency Council has voted unanimously to postpone calling the COR into session.

¶6. (C) Karadaghi expressed the opinion that the TAL is the law in effect, and that none of the Constitution's provisions, including the deadlines for the COR were binding. He took the position, which he said Chief Judge Medhat shared and had expressed verbally (though not in his written opinion), that there was only a "moral" and not a legal obligation to convene the COR within the constitutional timeline. Embassy Legal Advisors contested this and maintained that the better interpretation of the relevant law is that there is some element of legal requirement in the constitution's government formation provisions, even though the constitution as a whole is not in force. It is the constitution that explains the institutions that must be formed, the entities that choose the relevant candidates, and the voting thresholds required for approval. If all of these aspects of the new constitution apply, the government formation deadlines also presumably apply. Karadaghi did not engage on the legal merits

of this assessment, but pointed out that he had advised the Presidency Council to make some statement on convening the COR, or to consider a symbolic convening of the COR, only to have his advice rejected as calling dangerous attention to the COR at a time when the "package" on government formation had not been agreed by the parties. His assessment appeared to be that the date on which the COR would be convened would be decided as a political, and not a legal matter, and might be well after the deadlines in the Constitution.

(U) A Civil War? Not Yet

¶7. (C) Karadaghi dismissed fears that Iraq was in a low grade civil war (unlike Kurdish Deputy Prime Minister Shaways, who is more pessimistic - see reftel B). Should the country turn to civil war, however, Karadaghi opined that the Sunni Arabs would reclaim Iraq in two weeks. The Shia, according to Karadaghi, were still behaving like victims despite being the numerical majority, and in times of crisis - like the Samarra bombing - still tended to turn inwards rather than defend themselves. The Sunni Arabs, especially the Ba'athists, were better organized, more used to commanding, and more motivated than the Shia. When asked what role the Kurds would play, Karadaghi shrugged and stated that Kurdistan would be safe - and detached.

(U) Comment

¶8. (C) Karadaghi is hardly a military expert, and we report his comments about Sunni Arab fighting strength compared to that of the Shia only as an example of comments we hear from other Iraqi contacts as well (most Sunnis). His indifference to Sunni/Shia fighting - which is shared by most of the Kurds - will only confirm the fears of non-Kurds, who believe that the Kurds are only waiting to resolve the Kirkuk issue before seeking independence from Iraq. Despite Karadaghi's easy dismissal of civil conflict, he did sound pessimistic during the meeting. When asked about Talabani's conversation with President Bush, Karadaghi noted that it went well, but added, "You know things are not going well

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when the leader of the world's only superpower is calling six Iraqi officials!" He showed some of his old spark when he criticized Barzani (a longtime rival of Talabani) for presuming to interfere in government formation negotiations - an activity best left to Talabani as the highest Kurdish representative - rather than tending to his business in Erbil.

KHALILZAD